



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee members
From: Sorsha Anderson, Senior Staff Associate
Date: March 29, 2024
Subject: Grant/Donation – JFO #3198

Enclosed please find one (1) item, which the Joint Fiscal Office has received from the Administration.

JFO #3198: Bargain sale of timber rights to the Agency of Natural Resources, Department of Fish and Wildlife from the A Johnson Co., LLC. Vermont acquired the current Pond Woods Wildlife Management Area in Benson and Orwell, VT in the 1960s. At that time the A Johnson Co. retained the timber rights. The State now has the opportunity to acquire the timber rights, valued at \$2,320,529.00, for \$900,000.00. The U.S. Department of Fish and Wildlife is allowing the donation value of \$1,370,529.00 to be used to meet the state match requirement for this acquisition. In addition, the remaining discount value will be considered available for future state match amounts as needed. The \$900,000.00 sale price plus closing costs is covered by ongoing, annual funding from the U.S. Department of Fish and Wildlife. Acquisition of the timber rights will allow greater control over the property management.

[Received March 24, 2024]

Please review the enclosed materials and notify the Joint Fiscal Office (Sorsha Anderson: sanderson@leg.state.vt.us) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by **April 17, 2024**, we will assume that you agree to consider as final the Governor's acceptance of this request.

**State of Vermont**

Department of Finance & Management
109 State Street, Pavilion Building
Montpelier, VT 05620-0401

[phone] 802-828-2376
[fax] 802-828-2428

Agency of Administration

**STATE OF VERMONT
FINANCE & MANAGEMENT GRANT REVIEW FORM**

Grant Summary:						To allow DFW to accept a bargain sale of the timber rights at its Pond Woods Wildlife Management Area in Benson and Orwell, VT. A Johnson Co retained the timber rights when this property was transferred to the State in the 1960s. The timber rights are valued at \$2,270,529, A Johnson is selling the rights to the state for \$900,000.									
Date:						2/12/2024									
Department:						Fish & Wildlife									
Legal Title of Grant:						N/A									
Federal Catalog #:						N/A									
Grant/Donor Name and Address:						A Johnson Co., LLC 106 Andrew Johnson Drive Bristol, VT 05443									
Grant Period:						From:		1/24/2023		To:		12/31/2099			
Grant/Donation						\$1,370,529									
						SFY 1		SFY 2		SFY 3		Total		Comments	
Grant Amount:						\$1,370,529		\$		\$		\$1,370,529		Value of bargain sale.	
Position Information:						# Positions		Explanation/Comments							
Additional Comments:						Transaction represents no additional long-term costs for the State. Long-term maintenance and PILOT payments covered by federal US Fish & Wildlife Service funds.									
Department of Finance & Management						Adam Greshin		Digitally signed by Adam Greshin Date: 2024.02.22		DocuSigned by:		(Initial)			
Secretary of Administration						Sarah Clark		04AB832CD55C438...				(Initial)			
Sent To Joint Fiscal Office												Date			







Department of Fish and Wildlife

Agency of Natural Resources

1 National Life Dr., Dewey Building
Montpelier, VT 05620-3708

www.vtfishandwildlife.com

[phone] 802-505-0561
[fax] 802-828-1250

M E M O R A N D U M

To: Jaye Pershing Johnson, Governor's Legal Counsel
From: Will Duane, Land Acquisition Coordinator
Date: January 24, 2024
RE: Governor's approval requested for a Vermont Department of Fish and Wildlife (DFW) timber rights acquisition in Benson and Orwell, VT

Dear Jaye,

Enclosed is an approval memo for Governor Scott's review, authorizing DFW to acquire timber rights at the existing Pond Woods Wildlife Management Area (WMA) in Benson and Orwell. This project includes the acquisition of timber rights across several parcels that make up the WMA. Pond Woods is one of several DFW WMAs where we do not own the timber rights. DFW is seeking to secure timber rights on properties it owns.

The DFW is purchasing these timber rights at a substantial discount from the A Johnson Company with funds from the US Fish and Wildlife Service. The acquisition of these timber rights does not affect the DFW's PILOT payment to the towns. Continued management of the WMA will be funded by DFW's existing federal habitat grant.

The following documents and information are included in the following memo:

- Property description
- Maps of the property and surrounding area
- Legal authority for the transactions
- Nature of the legal property interest to be acquired





- Clear statement of purpose of the acquisition
- Description of current uses, anticipated uses and limits on use
- Description of existing motorized and/or mechanized uses, including VAST trails on the property and surrounding areas
- Source of funds for the acquisition
- Long term plan for funding of management expenses
- Evidence of local approval
- Anticipated PILOT Expenses
- Other relevant information

Please review and respond within two weeks from receiving the documents if possible. If you have any questions regarding this project, please contact me directly at Will.Duane@Vermont.gov. Thank you.

cc: Chris Herrick, Commissioner
John Austin, Director of Wildlife



Department of Fish and Wildlife
Commissioner's Office
1 National Life Drive, Davis 2
Montpelier VT 05620-3208
802-828-1454

TO: Philip B. Scott, Governor, State of Vermont

THROUGH: Julie Moore, Secretary, Agency of Natural Resources

FROM: Christopher Herrick, Commissioner, Department of Fish and Wildlife

SUBJECT: Purchase of A Johnson Timber Rights retained on Pond Woods Wildlife Management Area (WMA) located in Benson and Orwell, VT.

Recommendation: Approve the Department of Fish and Wildlife's acquisition of timber rights retained by A Johnson Company on Pond Woods Wildlife Management Area (WMA) located in Orwell and Benson, VT.

Description

Pond Woods WMA covers 2,297.82 acres in the towns of Benson and Orwell, VT. The majority of the WMA is located in Benson and supports a diversity of upland and wetland natural communities, making it a priority to consolidate management. VDFW currently owns 747.2 acres as fee lands, with an additional 1,550.61 under ownership but without the timber rights. The A Johnson Company owns the timber rights on 1490.73 of the remaining acres.

The WMA was sold to the state in the 1960s over three separate transactions. At the time the A Johnson Company reserved the timber rights for their continued use. VDFW has managed the property in concert with A Johnson over the years, however acquiring the timber rights will provide DFW with greater site control and an increased ability to direct the natural processes of the land. There are currently no VAST or ATV trails on the property which would be disrupted by this transaction.

The opportunity to work with A Johnson Company is unique and one that the Department sees as a priority to protect the current public investment at Pond Woods. This acquisition will hopefully serve as a template for DFW to consider future opportunities to purchase timber rights on other priority WMAs. The timber rights at Pond Woods WMA were appraised at \$2.3 million, A Johnson Company is selling the timber rights at a bargain sale for \$900,000. The acquisition and closing costs will also be covered by U.S. Fish and Wildlife Service (USFWS). Because of the magnitude of the bargain sale DFW does not need to bring any state match to this acquisition; USFWS has approved the value of the bargain sale serving as state match. Additionally, because of the substantial value of the sale, DFW is able to bank the remaining bargain sale value and use it as match for future projects. As a result, no state funding will be used for this acquisition or the related work. Like all WMAs, the long-term management of the parcel will be paid with US Fish and Wildlife Service funds through our existing Habitat Grant. ANR's existing PILOT payments for these parcels will not change. The Benson and Orwell selectboards reviewed this proposed sale

at recent selectboard meetings. The Benson selectboard supported the acquisition, the Orwell selectboard voted to remain neutral. There has been no opposition raised at the municipal level for this sale.

Your approval of this acquisition is required by 10 V.S.A. §4144, which states in part “The Secretary with approval of the Governor may acquire for the use of the Department of Fish and Wildlife by gift, purchase, or lease any and all rights and interests in lands, ponds, or streams, and hunting and fishing rights and privileges in any lands or waters in the State, and the necessary rights of ingress or egress to and from such lands and waters.” This project has been reviewed by ANR Secretary Moore.

[SIGNATURES REQUESTED ON THE FOLLOWING AA-1 FORM]

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)
Acceptance of Real Property as a Grant, Pursuant to 10 V.S.A. § 4144

BASIC GRANT INFORMATION				
1. Agency:	Agency of Natural Resources			
2. Department:	Department of Fish and Wildlife			
3. Program:	Lands and Habitat			
4. Legal Title of Grant:	n/a			
5. Federal Catalog #:	n/a			
6. Grant/Donor Name and Address: A Johnson Co., LLC 106 Andrew Johnson Drive Bristol, VT 05443				
7. Grant Period:	From:		To:	
8. Purpose of Grant: The purpose of this grant is for DFW to accept a bargain sale of the timber rights at its Pond Woods Wildlife Management Area in Benson and Orwell, VT. A Johnson Co retained the timber rights when this property was transferred to the state in the 1960s. The timber rights are valued at \$2.2M, A Johnson is selling the rights to the state for \$900,000.				
9. Impact on existing program if grant is not Accepted: DFW will gain greater site control of its property with ownership of these timber rights. The bargain sale associated with acquisition serves as the match for the federal funding. The excess value from the bargain sale can be retained and used as match for federal funds for future projects. These opportunities will be lost if the grant is not accepted.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 24	FY	FY	
Personal Services	\$	\$	\$	
Operating Expenses	\$2,320,529	\$	\$	Appraised value plus \$50K associated costs
Grants	\$	\$	\$	
Total	\$2,320,529	\$	\$	
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$950,000	\$	\$	USFWS funding for purchase price and \$50K associated costs
(Direct Costs)	\$	\$	\$	

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source Private Landowner)	\$1,370,529	\$	\$	
Total	\$2,320,529	\$	\$	

Appropriation No:	Amount:	\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
Total		\$

PERSONAL SERVICE INFORMATION

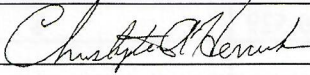

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)


12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.

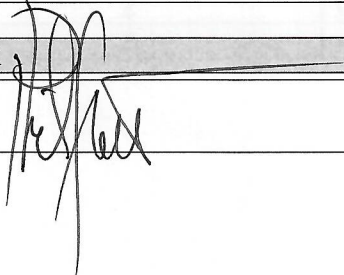
13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: 	Date: 1/25/2024
	Title: Commissioner, Vermont Fish and Wildlife Department	
	Signature: 	Date: 1.29.24
	Title: Secretary, Vermont Agency of Natural Resources	

14. SECRETARY OF ADMINISTRATION

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) 	DocuSigned by: Sarah Clark Date: 2/26/2024 8:
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15. ACTION BY GOVERNOR

<input checked="" type="checkbox"/> Check One Box: <input type="checkbox"/> Accepted		3/22/24
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STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

<input type="checkbox"/>	Rejected	(Governor's signature)	Date:
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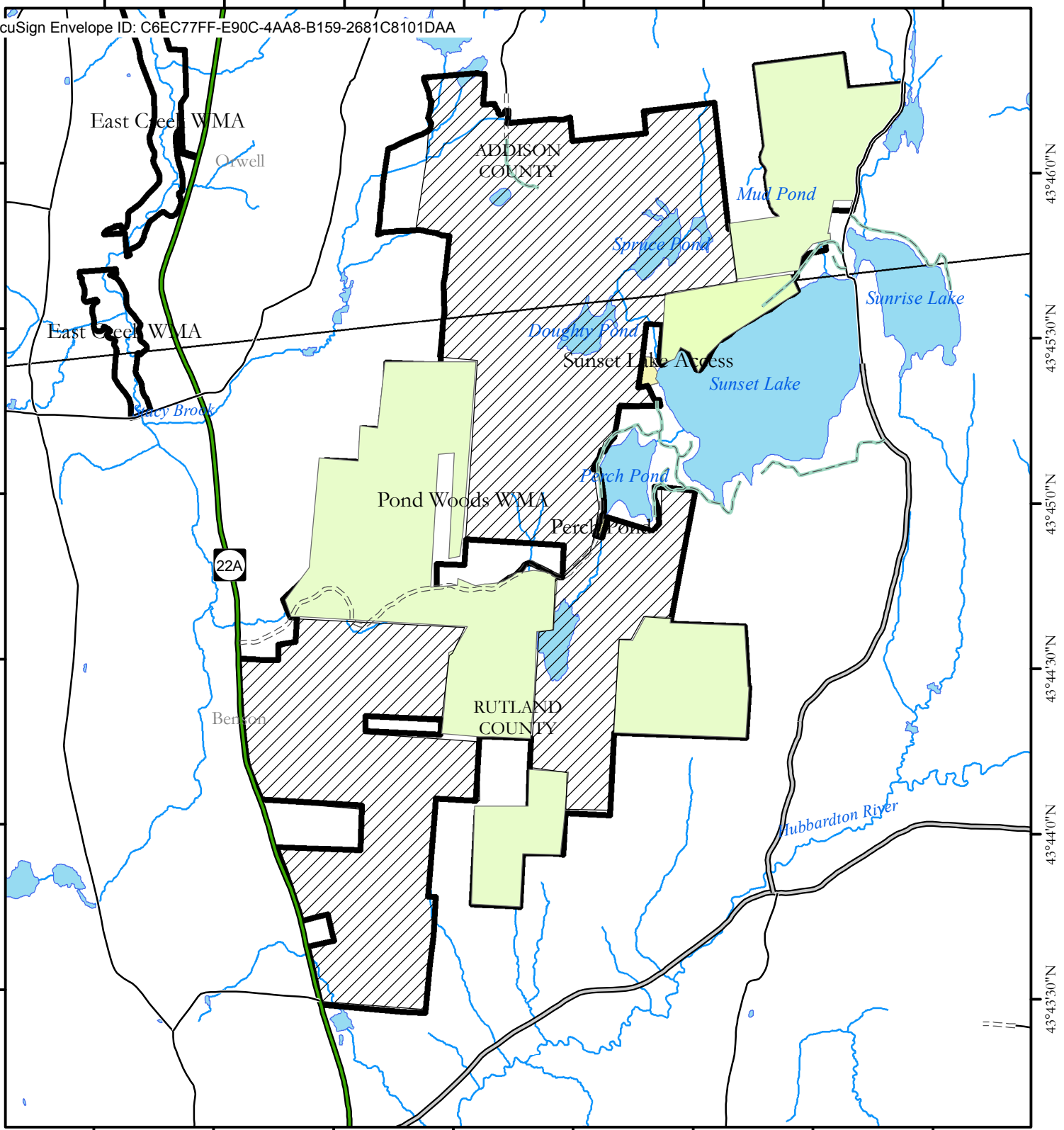
16. DOCUMENTATION REQUIRED

Required GRANT Documentation

<input type="checkbox"/> Request Memo <input type="checkbox"/> Dept. project approval (if applicable) <input type="checkbox"/> Notice of Award <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Grant Budget	<input type="checkbox"/> Notice of Donation (if any) <input type="checkbox"/> Grant (Project) Timeline (if applicable) <input type="checkbox"/> Request for Extension (if applicable) <input type="checkbox"/> Form AA-1PN attached (if applicable)
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End Form AA-1


(*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5). (See also 10 V.S.A. § 4144)



73°19'0"W 73°18'30"W 73°18'0"W 73°17'30"W 73°17'0"W 73°16'30"W 73°16'0"W 73°15'30"W

43°43'30"N 43°44'0"N 43°44'30"N 43°45'0"N 43°45'30"N 43°46'0"N

Pond Woods WMA AJCO Timber Rights

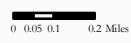

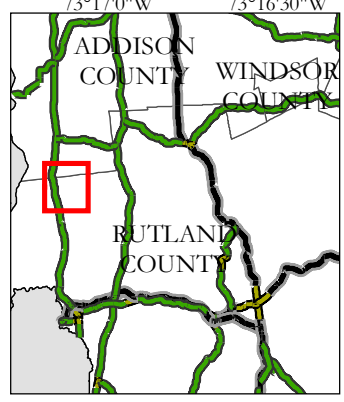


Vermont Department of Forests, Parks & Recreation



Cartographer : John R. Lones Date: 10/31/2019

This map is for illustrative purposes only. The accuracy of the data layers shown on this map are limited by the accuracy of the source materials. No warranty as to the accuracy or the usefulness of the data is expressed or

1 inch equals 2,500 feet

Legend

-  A. Johnson Timber Rights
-  Fee Compartments

Approved: _____
Date Date Date Date Date

**MEETING OF THE
ORWELL SELECT BOARD
November 20, 2023
Town Office**

NOT APPROVED

Select Board: **Thomas Audet, Chair**
Rex Corey
Bill Goddard
Gary Murdock
Andrea Treadway, Vice Chair

Bryan Young, Treasurer
Diane Jackson, Del Tax Collector, Virtual
Sharon Macedo, Zoom Host

Betty Walker, Clerk

The Regular Select Board Meeting was called to order at 7:00 p.m., by Thomas Audet, Select Board Chair.

1. CITIZENS COMMENTS.

2. HIGHWAY REPORT.

- a. Road Foreman Report – Andrea Treadway gave the report for the Road Foreman stating that the Road Crew is ready for whatever comes on Wednesday and they have been getting ready for the coming winter.
- b. 2023 PACIF Grant –The Road Foreman purchased chainsaw chaps and traffic cones, with spending on the 2023 PACIF Grant allowing up to \$2,171.94. Bryan Young, Treasurer, will let Andrea Treadway know when he has received the checks back at the Bank at which point Andrea will send the invoices and proof of the cancelled checks for reimbursement.

3. MINUTES

Bill Goddard moved to accept the minutes of the Select Board Meeting of November 6, 2023. Gary Murdock seconded the motion. The motion passed 4 Yes 0 No. (Rex Corey had not arrived yet).

4. SEWER REPORT.

a. Monthly Sewer Report – The Select Board received the monthly sewer report from Edward Tracey WWTP Operator stating “I am pleased to report that the Wastewater Treatment Facility continues to perform without incident. Our fourth quarter effluent samples revealed complete compliance with our discharge permit. As a FYI, I am noticing increases in our quarterly sample results. There is no need for worry, but I will continue to monitor it closely. Otherwise, all is well at the Sewer Plant. As another FYI our discharge permit is up for renewal. I will be working on this and submitting paperwork as completed. Respectfully, Edward Tracey”.

b. Municipal Discharge Permit – The Select Board received the Municipal Discharge Permit that was completed by Edward Tracey, WWTP Operator. An application renewal fee of \$306.00 needs to accompany the permit. This is on tonight’s Select Board Orders.

Andrea Treadway moved that Thomas Audet, Chair, sign the Municipal Discharge Permit. Bill Goddard seconded the motion. The motion passed 5 Yes 0 No.

5. TOWN CLERK REPORT.

The Town Clerk's Office will be closed on Thursday, November 23rd and Friday, November 24th for the Thanksgiving Holiday.

6. TREASURERS REPORT.

Bryan Young, Treasurer, reported that the tax deadline has passed and a Warrant for \$86,000 in delinquent taxes will be written. This is less than in past years.

7. OLD BUSINESS.

a. ARPA Funding – Andrea Treadway, Bill Goddard, and the Town Clerk attended an ARPA Webinar on Thursday, November 16th, that gave information on the New Interim Final Rule on “obligation” and “eligible uses” for ARPA funding. Bill Goddard says there are three scenarios for ARPA funding. 1. To spend directly from ARPA funding. 2. To use ARPA funding as Revenue Replacement. 3. Transfer to the General Fund. Bill said we could put it in a Capital Improvement Reserve Fund, which must be approved by voters. Andrea Treadway said that Katie Buckley, VLCT, Director, Federal Funding Assistance Program, will attend the December 18th Select Board meeting via Zoom and we will also invite Bryan Young, Treasurer, for any questions. It was stated that we have already used the ARPA funding for Revenue Replacement. Katie Buckley can explain how we can present it to the town if we want to start a Capital Improvement Reserve Fund again. Bryan Young explained that the ARPA funding was counted in the surplus in the budget. We have no special ARPA line. The funding has been reducing loans. Bill said it is not listed as a carry-over. Yes, it is shown on the bottom of the budget page. Bryan said that you keep track of it internally for the towns purpose not for the governments purpose. It is in the General Fund, not in an isolated fund. The Select Board makes the decision on where it is spent. It becomes surplus. The Select Board has been very transparent with the ARPA funding. We don't want in any way to violate the publics trust. Bill Goddard said we could take the balance of the ARPA funding and put in in a Capital Reserve Fund like we have had in the past. Gary Murdock asked why do we have to change the way we are doing it? Rex Corey said we should not do a Capital Reserve Fund and keep using the funding the way we have been and keep the Tax Anticipation Loans down. Andrea Treadway said it would be good to hear from Katie Buckley anyway, maybe she has other suggestions. Bill Goddard said that some towns separate the Highway Budget from the General Budget, including payroll. Andrea Treadway suggested that maybe we should have Highway Payroll broke out like the Sewer Payroll. Bryan Young said it is broke out. Andrea said she meant broke out into Town Clerk, Highway, etc. Bryan stated that payroll is listed in the Town Report.

b. Town Garage Addition-Equipment Shed – Bill Goddard stated that the delivery of the Equipment Shed is supposed to be in December. Gary Murdock submitted the electric service paperwork for the Equipment Shed to Green Mountain Power and is now waiting for an appointment with them.

c. Multi Farm Digester Project – Andrea Treadway sent an email to David Dunn, Renewable Project Development, who is working on a project to develop a new multi-farm digester project with Addison County dairy farmers, to get answers for the Select Board. He had not contacted Andrea back as of this meeting.

d. Vermont 250th Anniversary Commission – The Select Board signed the Vermont 250th Anniversary Resolution declaring that Orwell will establish a VT250th liaison or local committee made up of a diverse group of Orwell citizens to work with the VT250th Commission (Orwell Select Board) on any events and activities related to the 250th anniversary. Andrea Treadway volunteered to be the contact person. Anyone interested in being on this committee or looking for more information should contact Andrea Treadway or the Orwell Town Clerk.

e. Clean Water Project – Andrea Treadway reported that the Grant is 100% with no match. Bill Goddard said it is not mandatory to do it. The way they award is the phosphorus reduction. We aren't very high on the list, as a matter of fact we are a very low number. The State appropriates this funding every year.

f. Orwell Bandstand Budget Summary/Detail from Erickson Consulting – Dan Werner was unable to attend tonight's meeting. He had asked if we could table this until the December 4th meeting. The amount for the Bandstand was received from Erickson Consulting. Andrea Treadway said that at the September 11, 2023, Select Board Meeting, Dan was told that they have \$15,580 left in the Gazebo budget and \$24,000 in ARPA funding giving them almost \$40,000 to work with. Bill Goddard said we are building the Equipment Shed for \$127,000. The Engineering fee for the bandstand project alone is costly. This will be discussed further when Dan Werner can attend.

8. NEW BUSINESS.

a. Orwell One Stop Tobacco, Tobacco Substitute, and Liquor License – The payment in the amount of \$70.00 for the licenses has been received from Orwell One Stop. The licenses need to be approved by the Select Board and reported to the Department of Liquor and Lottery, Division of Liquor Control.

Andrea Treadway moved to approve Orwell One Stop's Tobacco License, Tobacco Substitute License, and Liquor License. Gary Murdock seconded the motion. The motion passed 5 Yes 0 No.

b. Vermont Department of Fish and Wildlife Acquisition of Timber Rights (Pond Woods) – A letter was received from the Vermont Department of Fish and Wildlife stating that they are working with the A. Johnson Co., Inc. to acquire the timber rights at the VDFW's Pond Woods Wildlife Management Area. Currently VDFW owns the land and A. Johnson owns the timber rights. They have entered into a purchase and sale agreement and the VDFW is asking for the town's support for this transfer of the timber rights.

Gary Murdock moved that we remain neutral on this. Andrea Treadway seconded the motion. The motion passed 5 Yes 0 No.

c. VMERS (Vermont Employees Retirement System) – The question was asked how this applies to the Librarian. Bryan Young explained that any employee who works 24 hours a week and must have a least 1,040 hours a year qualifies for VMERS. She barely makes it. Andrea Treadway said her hours are being expanded two more hours a week to make it more convenient for Library users. VMERS is not retroactive, only going forward from this point. The employee and employer each pay a per cent.

d. Appointment of Rec & Parks Committee Member – An email was received from Dan Werner stating that Liza Eddy is interested and he has asked to appoint her to the committee.

Andrea Treadway moved to appoint Liza Eddy to the Rec & Parks Committee. Bill Goddard seconded the motion. The motion passed 5 Yes 0 No.

e. Memory Tree on Gazebo – The Congregational Church would like permission from the Select Board to use the Gazebo for this years' Memory Tree. The tree lighting ceremony will be on Sunday, December 3rd at 4:00 PM.

Andrea Treadway moved to let the Congregational Church use the Gazebo for the Memory Tree. Bill Goddard seconded the motion. The motion passed 5 Yes 0 No.

9. PAYMENT OF BILLS.

Gary Murdock moved to pay the General Fund Orders in the amount of \$20,649.70, Line Item Orders in the amount of \$15,835.00, Sewer Orders in the amount of \$306.00 and the Town Payroll. Rex Corey seconded the motion. The motion passed 5 Yes 0 No.

The Select Board signed sympathy cards for the families of Robert Dubois and Joan Korda.

10. ADJOURNMENT.

Andrea Treadway moved to adjourn the meeting at 8:07 PM. Bill Goddard seconded the motion. The motion passed 5 Yes 0 No.

Respectfully submitted,
Betty Walker
Clerk of the Board

**The Next
Regular Select Board Meeting
Will Be On
Monday, December 4, 2023
7:00 PM**

Town of Benson Select Board
2760 Old Stage Rd, Benson,
VT 05743

November 13, 2023

Dear Mr. Duane,

The Selectboard reviewed your proposal summarizing the Vermont Department of Fish and Wildlife's (VDFW) planned acquisition of the timber rights at Pond Woods Wildlife Management area at our meeting on November 13, 2023. We are writing to affirm our support for the VDFW's acquisition of these timber rights.

Sincerely,

Linda R Pelier

Linda Pelier, Chair, Benson Select Board